

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DANIEL MITCHELL,

Case No. 2:25-cv-00170-GMN-EJY

Plaintiff,

V.

REDDINGTON STRUCTURAL  
SOLUTIONS, LLC, et al.,

## Defendants.

## ORDER

Pending before the Court is Plaintiff's Motion to Seal (ECF No. 40), in which Plaintiff seeks an order sealing<sup>1</sup> Exhibit E of Plaintiff's Appendix of Exhibits in Support of Plaintiff's Motion for Temporary Restraining Order (ECF No. 31). The Court has considered the Motion and finds as follows.

## I. Discussion

15 Courts recognize a general right of the public to inspect and copy public records and  
16 documents, including judicial records and documents. *Kamakana v. City & Cnty. of Honolulu*, 447  
17 F.3d 1172, 1178 (9th Cir. 2006) (internal citation omitted). The strong presumption in favor of  
18 public access must be overcome by a party seeking to seal a judicial record. *Ctr. For Auto Safety v.*  
19 *Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (citing *Kamakana*, 447 F.3d at 1178).  
20 Under this standard, a party must demonstrate “a compelling reason and [articulate] a factual basis  
21 ... without relying on hypothesis or conjecture” to justify sealing court records. *Id.* at 1096-97. The  
22 “compelling reason” standard applies to any motion “more than tangentially related to the merits of  
23 a case.” *Id.* at 1100-01. What constitutes a compelling reason is within the discretion of the District  
24 Court. *Id.* at 1097.

27 Plaintiff actually requests an order “sealing/redacting” the specified Exhibit. ECF No. 40 at 5. Sealing and  
28 redacting are not interchangeable terms (*see* LR IA 10-5; LR IC 6-1) and, in fact, it is the parties who bear the obligation  
to redact sensitive information contained within their filings. It is not the Court’s place to redact Plaintiff’s documents  
for him.

1       In the instant Motion, Plaintiff seeks to seal Exhibit E to his Motion for a Temporary  
 2 Restraining Order. Exhibit E consists of a list of customers of Kolay Flooring International, a  
 3 flooring company owned by Plaintiff. ECF No. 31 at 18-106. Plaintiff argues that the presumption  
 4 in favor of public access is outweighed in this case because the customer list at issue is “generally  
 5 not disclosed to the public.” ECF No. 40 at 4 (citing *Frantz v. Johnson*, 999 P.2d 351 (Nev. 2000)).

6       This conclusory assertion does not establish the compelling reasons necessary to rebut the  
 7 presumption in favor of public access. Though Plaintiff supports his position by citing to *Frantz*,  
 8 that case took care to emphasize that “not every customer and pricing list will be protected as a trade  
 9 secret.” *Frantz*, 999 P.2d at 359. The Nevada Supreme Court distinguished the list at issue in *Frantz*  
 10 by noting that “there was testimony … that it was extremely confidential, [and] its secrecy was  
 11 guarded.” *Id.* No such representation is offered here, and a review of the exhibit shows the list in  
 12 question does not include contact information or any information other than the names of various  
 13 businesses and individuals.

14       Beyond these shortcomings, the Court notes there are procedural errors with Plaintiff’s  
 15 Motion. First, although the Local Rules specify that “papers filed with the court under seal must be  
 16 accompanied by a motion for leave to file those documents under seal,” LR IA 10-5(a), Plaintiff  
 17 waited nearly a month after filing Exhibit E under seal before moving for leave to do so. Second,  
 18 although Plaintiff’s Motion acknowledges that “a request to seal record must be ‘narrowly tailored’  
 19 to remove from public access only that material warranting protection,” ECF No. 40 at 3 (quoting  
 20 *Wells Fargo Bank, N.A. v. Saticoy Bay LLC Series 3948 Applecrest*, Case No. 2:17-cv-01360-APG-  
 21 VCF, 2020 WL 2311560, at 2 (D. Nev. Apr. 23, 2020)), Plaintiff filed the entire appendix of exhibits  
 22 under seal, not just the exhibit he seeks to seal. ECF No. 31.

23       Based on the foregoing, Plaintiff’s Motion is denied without prejudice. Plaintiff must refile  
 24 his Motion and the appendix of exhibits. The appendix must be refiled on the publicly available  
 25 docket with all exhibits, except Exhibit E, attached. In the refiled appendix, Exhibit E must be  
 26 represented by a cover sheet stating “Filed Under Seal.” Plaintiff must also refile only Exhibit E  
 27 under seal and, at the same time, file a Motion to Seal, not under seal, supporting the sealing of  
 28 Exhibit E. The filing at ECF No. 31 (the appendix) will be struck as improperly filed under seal.

## II. Order

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Seal (ECF No. 40) is DENIED without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court is directed to strike ECF No. (31) from the docket.

IT IS FURTHER ORDERED that no later than **June 24, 2025**, and all on the same day, Plaintiff **must** refile:

1. A Motion to Seal Exhibit E providing justification for the sealing of this exhibit;
2. Exhibit E under seal; and
3. The Appendix of Exhibits to Plaintiff's Motion for Temporary Restraining Order

~~ed~~ on the public docket. The Appendix **must** include Exhibits A-D and F, and a cover sheet for Exhibit E stating "Filed Under Seal."

Dated this 10th day of June, 2025.

Elayna J. Youchah  
ELAYNA J. YOUCAH  
UNITED STATES MAGISTRATE JUDGE